

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY J. NICHOLSON, II, ) CASE NO. C08-0798-MJP-MAT  
Plaintiff, )  
v. ) ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME  
V. FERNANDEZ, )  
Defendant. )  
\_\_\_\_\_) )

Petitioner has filed a motion seeking an extension of time to file a response to defendant's motion for summary judgment. Having reviewed the motion and the balance of the record, the Court does hereby ORDER as follows:

(1) In light of plaintiff's status as an incarcerated *pro se* litigant, his motion for an extension of time (Dkt. No. 27) is GRANTED. Plaintiff shall file a response to defendant's motion for summary judgment no later than **January 16, 2009**. No further extensions will be granted absent extraordinary circumstances.

(2) Defendant may file a reply to plaintiff's response, if necessary, no later than **January 23, 2009**. The Clerk shall RENOTE defendant's motion for summary judgment for consideration by the Court on **January 23, 2009**.

(3) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for

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01 defendant, and to the Honorable Marsha J. Pechman.

02 DATED this 5th day of January, 2009.

03   
04 Mary Alice Theiler  
05 United States Magistrate Judge